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March 13, 2006

## **BY ELECTRONIC FILING**

Dr. Peter T. Dalleo  
Clerk of the Court  
United States District Court  
844 North King Street, Room 4209  
Lock Box 18  
Wilmington, DE 19801

**RE: Eames v. Nationwide Mut. Ins. Co.**  
**C.A. No.: 04-CV-1324KAJ**

Dear Dr. Dalleo:

I am writing to clarify the state of the docket as it relates to the Court's January 10, 2006 Order (D.I. 138).

The January 10, 2006 Order provided for the filing of any objection to or motion for adoption of the Special Discovery Master's January 4, 2006 Report and Recommendation by January 24, 2006. Responses to any such objection or motion were to be filed by February 1, 2006; and replies were to be filed by February 8, 2006.

The Eames plaintiffs filed a motion for the adoption of the SDM's January 4, 2006 Report on January 24, 2006 (D. I. 142). Nationwide filed its answering brief on February 1, 2006 (D. I. 148); and the Eames plaintiffs filed their reply brief on February 7, 2006 (D.I. 155).

In addition, Nationwide filed its objection to the SDM's January 4 Report on January 24, 2006 (D.I. 143). The Eames plaintiffs filed their answering brief to Nationwide's objection on February 1, 2006 (D.I. 147).

However, Nationwide never filed any reply brief in support of its objection. Nor has Nationwide ever sought or secured any extension of the Court's February 8, 2006 deadline for the filing of such replies. We believe, therefore, that briefing on both motions -- both the Eames plaintiffs' motion for the adoption of the SDM's January 4 Report, and Nationwide's objection to the same -- has closed.

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It occurred to us that Nationwide's failure to file a reply might leave the Clerk's office with the mistaken impression that briefing remained open; and that as a result, the transmission of the motion papers to Judge Jordan might be delayed. If any confusion existed, we hope this clarification proved helpful.

Respectfully,

/s/ John S. Spadaro

John S. Spadaro

JSS/slr

cc: Curtis P. Cheyney, III, Esq. (by electronic filing)

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE**

THOMAS A. EAMES, ROBERTA L. EAMES	)	
and TAMMY EAMES, on behalf of	)	
themselves and all others	)	
similarly situated,	)	
	)	
Plaintiffs,	)	C.A. No. 04-CV-1324KAJ
	)	
v.	)	
	)	
NATIONWIDE MUTUAL INSURANCE	)	
COMPANY,	)	
	)	
Defendant.	)	

**NOTICE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

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Tammy Eames (on behalf of themselves and  
all others similarly situated)

March 13, 2006